

**Town of Westfield
Planning Board
MINUTES
September 4, 2019**

The Westfield Planning Board met on September 4, 2019, at 7:30 pm in the Council Chambers in the Westfield Municipal Building, 425 East Broad Street, Westfield, NJ.

In compliance with Chapter 231 P.C. OPEN PUBLIC MEETINGS ACT in the State of New Jersey, adequate notice of this meeting was provided to all members of the Planning Board and the newspapers that have been designated to receive notice, the Star Ledger and the Westfield Leader.

Chairman Newell called the meeting to order and opened the meeting by calling all present to join in the Pledge of Allegiance to the Flag.

ROLL CALL:

PRESENT: Robert Newell, Darielle Walsh, Mayor Shelley Brindle, Michael La Place, Michael Ash, Linda Habgood, Anastasia Harrison, Matthew Ceberio, Ann Freedman

ABSENT: Ross Goldstein and Kris McAloon

ALSO PRESENT: Alan Trembulak, Planning Board Attorney, and Linda Jacus, Administrative Secretary

ADOPTIONS OF MINUTES:

Chairman Newell called for a motion to adopt the minutes of the July 1, 2019 meeting. Michael Ash made a motion to adopt; Ann Freedman seconded.

ALL IN FAVOR: Robert Newell, Darielle Walsh, Mayor Shelley Brindle, Michael La Place, Michael Ash, Linda Habgood, Anastasia Harrison, Matthew Ceberio, Ross Goldstein, Ann Freedman

OPPOSED: None

ABSTAINED: None

ABSENT: Ross Goldstein and Kris McAloon

Motion carried.

ADOPTION OF RESOLUTIONS:

Chairman Newell called for a motion to adopt the following resolution for the application acted upon at the July 1, 2019, meeting:

PB 19-05 Peter Francis, 203, 209, 215 Ross Place, Block 3007, Lots 3, 4 & 5

Applicant sought approval to merge three separate lots into one and construct three separate buildings containing a total of 10 residential townhouses. Application approved with conditions.

Anastasia Harrison made a motion to adopt; Ann Freedman seconded.

ALL IN FAVOR: Robert Newell, Darielle Walsh, Mayor Shelley Brindle, Michael La Place, Michael Ash, Linda Habgood, Anastasia Harrison, Matthew Ceberio, Ross Goldstein, Ann Freedman
 OPPOSED: None
 ABSTAINED: None
 ABSENT: Ross Goldstein and Kris McAloon

Motion carried.

NEW APPEALS:

**PB 19-07 Operating 8 Bluestone Capital Group, LLC. 540 Dudley Ct. & 6/18/2019
 & 535 Bradford Avenue, Block 1110, Lots 8 & 9**

Applicant is seeking approval to correct a boundary encroachment between the two lots by moving the lot line. **Application deemed complete July 25, 2019. 45 day decision date is September 8, 2019.**

James Foerst, Esq. (159 Millburn Avenue, Millburn) appeared on behalf of the applicant. He stated when the applicant purchased the property, a survey was done and it was determined the driveway of the subject property encroaches into the neighbor's yard. An agreement was made with the neighbor to shift the existing lot line 124 square feet, which would eliminate the encroachment. There are not any variances, and it is a straight forward application.

Open to public comments and questions. None. Closed to public comments and questions.

Chairman Newell stated this is a very easy lot line adjustment and moved to approve it; Anastasia Harrison seconded.

ALL IN FAVOR: Robert Newell, Darielle Walsh, Mayor Shelley Brindle, Michael La Place, Michael Ash, Linda Habgood, Anastasia Harrison, Matthew Ceberio, Ann Freedman
 OPPOSED: None
 ABSTAINED: None
 ABSENT: Ross Goldstein and Kris McAloon

Motion carried.

Application approved.

PB 19-08 Martin Cronin, 114 Midvale Terrace, Block 5001, Lot 5 7/1/2019

Applicant is seeking minor subdivision approval to subdivide the property into two fully conforming building lots. **Application deemed complete August 1, 2019. 45 day decision date is September 15, 2019.**

Martin Cronin appeared, stating he is looking to subdivide the property into two fully conforming lots. Mr. Cronin will continue to live in the existing home which has been renovated

and its original architectural integrity has been preserved. The home proposed to be built on the newly created lot will be in keeping with the neighborhood aesthetic, but will be built with modern materials. The proposed new home will include a separate driveway and detached garage. Mr. Cronin stated he does not have an issue with the Tree Preservation determination, and any house built on the other lot will comply with all zoning regulations.

Open to public questions and comments. None. Closed to public and comments.

Chairman Newell swore in Ed Dec (131 N Michigan Ave, Kenilworth). The Board accepted Mr. Dec's credentials as a licensed engineer.

Mr. Dec went through the zoning chart on the plans. He stated the proposed lots will meet all lot size requirements in the zone, and there are not any variances required. Both lots will exceed the required minimum lot area, lot frontage, lot depth, and lot width requirements. The lot with the existing house will remain the way it is today, but with a new garage. Mr. Dec stated this is a very low impact subdivision, which should fit well in the area.

Open to public questions and comments. None. Closed to public questions and comments.

The Board commended the applicant for presenting a subdivision application where an effort was made to keep and preserve the existing home.

Chairman Newell called for a motion. Michael La Place made a motion to approve; Darielle Walsh seconded.

ALL IN FAVOR:	Robert Newell, Darielle Walsh, Mayor Shelley Brindle, Michael La Place, Michael Ash, Linda Habgood, Anastasia Harrison, Matthew Ceberio, Ann Freedman
OPPOSED:	None
ABSTAINED:	None
ABSENT:	Ross Goldstein and Kris McAloon

Motion carried.

Application approved.

OTHER BUSINESS:

Appointment of Master Plan Consultant

Don Sammet stated while working on the master plan reexamination report, it has become apparent a new land use element is necessary, and the proposal before the Board is to approve H2M to prepare the land use element.

A motion was made to approve the proposal from H2M to prepare the land use element.

Adopt a resolution to enter into an indemnification agreement with Westfield Crossing, LLC., and designate an area as a redevelopment area to allow a non-condemnation “area in need of redevelopment” study for the following lots: 338 Windsor Avenue (Block 4005, Lot 3);

448 South Avenue East (Block 4005, Lot 4); 418 South Avenue East (Block 4004, Lot 17); 421-9 South Avenue East (Block 3307, Lot 1); 445-9 South Avenue East (Block 3307, Lot 2).

Resolution 220-19 was submitted for review from the Mayor and Town Council authoring the Planning Board to conduct a preliminary investigation/study to determine if certain properties meet the criteria to be an area in need of redevelopment. The properties are along South Avenue, along the Garwood border. A report would be prepared and a public hearing would be held. The Town is not seeking to take any of the properties, but just to do the study and eventually create a redevelopment plan if the properties met the criteria as a redevelopment area. An additional resolution was submitted for review to enter in hold harmless agreement with Westfield Crossing, LLC., which will hold the Planning Board and the Town harmless of any claims, losses, or suits that may come out of the redevelopment process.

A motion was made to adopt the resolution to enter into an indemnification agreement with Westfield Crossing, LLC., and to adopt Resolution 220-19.

Review General Ordinance 2143-An Amendment to the Land Use Ordinance regarding the definition of the term mural.

Review General Ordinance 2144-An Amendment to the Land Use Ordinance to establish electric vehicle infrastructure regulations.

Review General Ordinance 2145-An Amendment to the Land Use Ordinance to allow larger fencing when needed for safety.

Ordinance 2143 amends the definition of a sign in the Land Use Ordinance by removing a reference to public art or a mural being considered as a type of signage. Murals will now be reviewed and regulated by the Public Arts Commission. Ordinance 2145 will allow fence heights to be taller in cases when the fence screens mechanical or electrical equipment. This will provide better screening and provide a more desirable visual environment. Don Sammet stated both of these ordinances are consistent with the goals and objectives of the master plan. Ordinance 2144 establishes regulations requiring the installation of electric vehicle charging infrastructure for certain developments, and includes regulations for those installations. The ordinance requires that the number parking spaces be equipped with electric vehicle charging stations be 3% of the total number of parking spaces within certain zone districts. Don Sammet recommended the Town consider mandating them for development property within certain uses rather than by development within a particular zone district. Ordinance 2144 is consistent with the goals and objectives of the master plan, but the Board should consider sending the ordinance back to the Council subject to revisions.

Ordinance 2143 & Ordinance 2145 were approved as written, with Ordinance 2144 going back to the Town Council to be revised.

There being no further business, a motion to adjourn was made, seconded and carried. The meeting adjourned at 8:40 pm.

Respectfully Submitted,

Linda Jacus
Administrative Secretary